

Appendix B

**Memorandum of Agreement
Regarding Provision of Information
for ICSIC**

**MEMORANDUM OF AGREEMENT
REGARDING PROVISION OF INFORMATION
for the
INTERAGENCY COLLABORATION AND SERVICES INTEGRATION COMMISSION
(ICSIC)**

WHEREAS: Title V of the Public Education Reform Amendment Act of 2007 ("the Act") establishes an ICSIC ("the Commission"); and

WHEREAS: Pursuant to Title V, Section 506(a) of the Act, the following are members of the Commission:

1. Mayor, Chair of the Commission;
2. Chairman of the Council of the District of Columbia;
3. Chair of the Committee on Human Services;
4. Chief Judge, Family Court, Superior Court of the District of Columbia;
5. Deputy Mayor for Education;
6. City Administrator;
7. State Superintendent of Education;
8. Chancellor of the District of Columbia Public Schools;
9. Chair of the Public Charter School Board;
10. Director of the Department of Human Services;
11. Director of the Child and Family Services Agency;
12. Director of the Department of Youth Rehabilitation Services;
13. Director of the Department of Corrections;
14. Director of the Department of Health;
15. Director of the Department of Mental Health;
16. Chief of the Metropolitan Police Department;
17. Director of the Court Social Services Agency;
18. Attorney General for the District of Columbia;
19. Director of the Criminal Justice Coordinating Council;
20. Director of the Department of Parks and Recreation;
21. Director of the District of Columbia Public Library; and

WHEREAS: The purposes of the Commission, set forth in Title V of the Act, are to address the needs of children and youth at risk by reducing juvenile and family violence and by promoting social and emotional skills of children and youth with the development of a comprehensive and integrated service delivery system; and

WHEREAS: In order to achieve these purposes, the Commission will:

1. work to ensure that comprehensive, multi-disciplinary assessments of children and youth are provided by school-based clinicians;
2. maintain authority over an interagency data management information system that will promote assessment and service integration activities and support the ongoing assessment of programs implemented or supported by the Commission, while protecting the privacy rights of families;
3. facilitate resource sharing and inter-agency collaboration on multi-disciplinary projects;

4. foster the development and implementation of proven, evidence-based preventive and early intervention programs for children, youth, and families;
5. promote the development of integrated service plans for children and families that promote the delivery of services that are comprehensive, implemented without interruption, and free from duplication or redundancy;
6. ensure that the programs developed pursuant to, or in accordance with Title V of the Act are subject to an independent evaluation to determine their impact on academic performance, levels of violence by and against children truancy, delinquency, cost effectiveness, and the extent to which the Commission has developed the capacity to sustain programs and activities; and

WHEREAS: All members of the Commission are committed to the preservation of the confidentiality of information and the protection of an individual's and family's right to privacy and will adhere to all applicable provisions of federal and District of Columbia laws and professional standards regarding confidentiality, including, but not limited to:

1. 42 U.S.C. §§ 290dd-3, § 290ee-3, and 42 C.F.R. Part 2 ("Confidentiality of Alcohol and Drug Abuse Patient Records");
2. 20 U.S.C. § 1232g and 34 C.F.R Part 99 (Family Education Rights and Privacy Act, or "FERPA");
3. 42 U.S.C. § 1320d *et seq.*, 45 C.F.R. Parts 160 & 164 (Health Insurance Portability and Accountability Act of 1996, or "HIPAA")
4. the following provisions of the D.C. Code: §§ 4-209.04; 4-754.11; 4-1302.03; 4-1303.06; 4-1405; 7-131(b); 7-1202; 7-1203; 7-1231.14; 7-1305.12; 16-2331(b); 16-2332(b); 16-2333(b); 39-108; and

WHEREAS: All members of the Commission further recognize that "School-based Clinicians" referred to in this Memorandum of Agreement, as defined in Title V, Section 502(6) of the Act, require access to certain confidential information concerning an individual or a family in order to conduct comprehensive, multi-disciplinary assessments, to provide treatment where appropriate, and to create and implement integrated service plans; and

WHEREAS: In accordance with Title V, Section 505(a)(1) and (2) of the Act, the Commission has developed Consent and Waiver forms to be signed by participants and/or the parents or legal guardians of participants which will permit School-based Clinicians to obtain information from agencies participating in this Memorandum of Agreement, as well as other agencies, and to facilitate comprehensive multi-disciplinary assessments and the development and implementation of integrated service plans; including a Consent and Waiver form applicable for children under the age of eighteen and a Consent and Waiver form applicable to youth who have attained the age of eighteen, which are included in this Memorandum of Understanding as Attachment A; and

WHEREAS: The School-based Clinician taking primary responsibility for the case must explain, to the fullest extent possible, the Consent and Waiver form to the potential signatories, reviewing the purpose of the form, its contents, and rights regarding confidentiality; and

WHEREAS: The School-based Clinicians will provide copies of Consent and Waiver forms to all those who sign them, and the School-based Clinicians will maintain copies of each Consent and Waiver form, as well as assessment and service plan information, for six years from their expiration date or for three years after the child reaches the age of majority, whichever is longer; and

WHEREAS: In according with Title V, Section 505(a)(2) of the Act, the Commission has developed policies and procedures for safeguarding confidential and other participant-related information, documents, files, electronic communications, and computer data, which are included in this Memorandum of Agreement as Attachment B and referred to hereinafter as "Security Protocols"; and

WHEREAS: Information provided pursuant to this Memorandum of Agreement may be disclosed by a School-based Clinician to other ICSIC Commission staff to be designated by the Commission or to a supervisor or another clinician subject to confidentiality by them, to enable their input and consultations regarding assessments, treatment, service integration, and discharge planning and to ensure that any information obtained is properly stored and protected. Information provided pursuant to this Memorandum of Agreement may otherwise be disclosed only by a court order or with a written consent which is signed and dated by those who have signed the Consent and Waiver form and which:

- a. identifies the School-based Clinician as the person permitted to make the disclosure;
- b. includes the name or title of the individual or the name of the organization to which the disclosure is to be made;
- c. identifies the person or persons about whom the disclosure is to be made;
- d. limits the disclosure for the sole and exclusive purposes of furthering the process of conducting assessments, referrals, treatment, service integration, and/or discharge planning;
- e. indicates that the consent to disclosure is subject to revocation at any time, except to the extent that the School-based Clinician has already acted on it; and
- f. includes a date, event, or condition upon which the consent to disclosure will expire if not previously revoked; and

WHEREAS: All members of the Commission further recognize that "ICSIC Staff" referred to in this Memorandum of Agreement are employees of the Executive Office of the Mayor/Deputy Mayor for Education which are assigned to the Commission for the purposes research, analysis and project management; and

WHEREAS: The Commission agrees that the refusal to sign by one member does not invalidate this Memorandum of Agreement as to all other members; and

NOW THEREFORE, the members of the Commission do hereby agree to do the following:

- 1) Upon receipt of a completed, signed, and current Consent and Waiver form, provide the School-based Clinician named in the Consent and Waiver form all relevant data as permitted by federal and state confidentiality and disclosure laws that will further the school-based clinician's efforts to conduct comprehensive assessments of the person or persons identified in the Consent and Waiver form, to develop and implement integrated case plans for them, including referrals for services, to provide appropriate treatment, and to promote the purposes of the Commission as delineated in Title V, Section 503 of the Act; and
- 2) Pursuant to Title V, Section 505(c)(1), support, to the extent that it is practicable and feasible, Commission efforts to develop an interagency database to store data gathered pursuant to Title V of the Act; and
- 3) Encourage, where appropriate and practicable, parents or guardians of children and/or, as

allowed by law, children themselves, to sign the Consent and Waiver form of the Commission; and

- 4) Ensure that training is provided and that their staff are available to be trained in the provisions of this MOA and the administration and utilization of the Consent and Waiver forms; and
- 5) Pursuant to Title V, Section 505(c)(2), provide such data that will assist the efforts of Commission to assess the efficacy and cost effectiveness of the programs supported, facilitated, or overseen by the Commission; and
- 6) Monitor the extent to which confidentiality of records gathered pursuant to Title V are maintained by the Commission in accordance with all federal and state confidentiality and disclosure laws; and
- 7) Provide comprehensive itemizations of the types of confidential information that can be provided by each member upon submission of a duly completed Consent and Waiver form. Such itemization will be used to compile a list of types of information that persons signing Consent and Waiver forms may permit the school-based clinicians to access for the purposes of conducting comprehensive assessments of the person or persons identified in the Consent and Waiver form, developing and implementing integrated case plans for them, including referrals for services, and providing appropriate treatment.
- 8) In the event that the provision or release of information pursuant to this Memorandum of Agreement is deemed by a member of the Commission to be prohibited by federal or state law, notice will be made to the Commission, identifying the grounds for such prohibition. The Commission shall develop a procedure by which such notice shall be made.

Signatures:

The Hon. Adrian Fenty,
Mayor of the District of Columbia

Date

The Hon. Tommy Wells
Chair of the Committee on Human Services

Date



10/16/07

Victor Reinoso
Deputy Mayor for Education of the District of Columbia

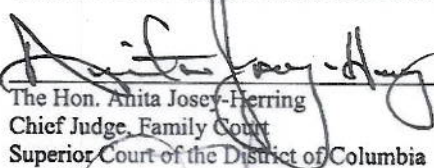
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State Superintendent of Education

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Chairman of the Council for the District of Columbia

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10/16/07

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City Administrator

10/17/07

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10/16/07

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Sharlynn E. Bobo 10/17/07

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Director of the Department of Youth Rehabilitation Services

Devon Brown Date
Director of the Department of Corrections

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Director of the Department of Health

Stephen F. Baron 10/17/07

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Director of the Department of Mental Health

Cathy L. Lanier Date
Chief of the Metropolitan Police Department

Terri Odom Date
Director of the Court Social Services Agency

Linda Singer Date
Attorney General for the District of Columbia

Nancy Ware Date
Director of the Criminal Justice Coordinating Council

Clark Ray Date
Director of the Department of Parks and Recreation

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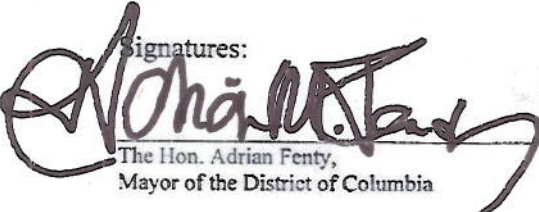
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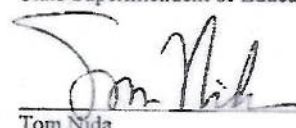
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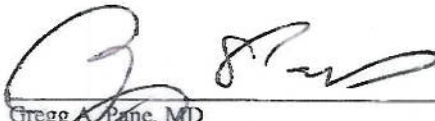
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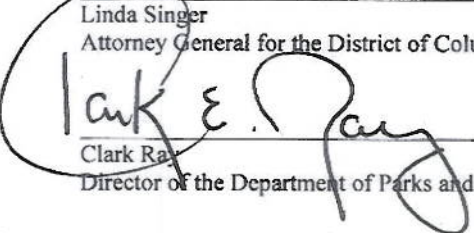
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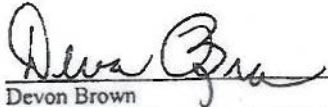
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